

MAG SPECIAL MANAGEMENT COMMITTEE MEETING

April 28, 1999

MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Frank Fairbanks, Phoenix, Chairman	Jeff Martin for Charles Luster, Mesa
*Carlos Palma, Avondale	*Tom Martinsen, Paradise Valley
*Joe Blanton, Buckeye	*Terry Ellis, Peoria
Jon Pearson, Carefree	*Cynthia Seelhammer, Queen Creek
*Kerry Dudek, Cave Creek	*David Easchief, Salt River Pima-Maricopa Indian Community
Lloyd Harrell, Chandler	Dick Bowers, Scottsdale
*Maggie Reese, El Mirage	Mike Branham for Dick McComb, Surprise
*Paul Nordin, Fountain Hills	Gary Brown, Tempe
Gila Bend: Carl Stephani	Ralph Velez, Tolleson
*Urban Giff, Gila River Indian Community	Fred Carpenter, Wickenburg
Kent Cooper, Gilbert	Lloyce Robinson, Youngtown
Martin Vanacour, Glendale	Chuck Eaton for Mary Peters, ADOT
Doug Sanders for Stephen Cleveland, Goodyear	Neil Urban for David Smith, Maricopa County
*Luis Gonzales, Guadalupe	Ken Driggs, RPTA
*Horatio Skeete, Litchfield Park	

Those members neither present nor represented by proxy.

OTHERS PRESENT

Cari Anderson, MAG	Amy Rudibaugh, Glendale
Lindy Bauer, MAG	Audrey Skidmore, MAG
James M. Bourey, MAG	Dennis Smith, MAG
Peggy Carpenter, Scottsdale	Lisa Takata, Phoenix
Pat Cupell, ADOT	Gordon Tyus, MAG
Valerie Day, MAG	Rita Walton, MAG
Terry Johnson, MAG	Shauna Warner, Tempe
Patrice Kraus, Chandler	

1. Call to Order

The meeting was called to order by Chairman Frank Fairbanks, Phoenix, at 12:10 p.m.

2. Valley Vision 2025 Status Update

Chairman Fairbanks stated that, if there were no objections, the Valley Vision status update would be deferred until the next Management Committee meeting and agenda item #3, Air Quality Update, would be discussed. He explained that MAG staff would have to leave the Management Committee meeting to attend a meeting at the Governor's office regarding the crucial conformity situation.

Gary Brown asked if this meeting adhered to the open meeting laws. Chairman Fairbanks acknowledged that an addendum to the agenda was sent listing the Air Quality agenda item and was in compliance with the open meeting laws.

Dick Bowers stated that Valley Vision 2025 is a vital part of our future and urged Committee members to become informed on Valley Vision issues. Mr. Bowers requested rescheduling the Valley Vision 2025 update as soon as possible. Chairman Fairbanks stated that the update would be provided at the next Management Committee meeting. Mr. Bourey indicated that substantial time would be put into the presentation at the next Management Committee meeting.

3. Air Quality Update

Mr. Bourey stated that several things vital to our transportation plans have recently occurred. A March 2, 1999 decision by the District Court in Washington, DC regarding conformity may have a significant impact on transportation. Mr. Bourey stated that the ruling disallowed budgets from submitted air quality plans and would allow only budgets from approved air quality plans. He indicated that staff has been working intensively on this conformity issue. Mr. Bourey stated that the TIP and LRTP need approval at the Regional Council meeting tonight, April 28th, for conformity analysis. He commented that we have no more time for delay.

Lindy Bauer gave a brief overview of the history of approval for air quality conformity. Ms. Bauer noted that we received a telephone call from the EPA on April 19, 1999 informing us that our conformity would lapse anywhere from two weeks at the earliest or by June 1, 1999 at the latest. A few days later, on April 22, 1999, FHWA called and told us that the current conformity finding would be placed in a lapse. Ms. Bauer stated that the recent court ruling disallowed budgets from submitted air quality plans and would allow only budgets from approved air quality plans. Ms. Bauer commented that we had followed the existing EPA rules in effect at the time, but now those rules have been vacated by the court. She noted that the FHWA and EPA originally indicated that the court ruling applied only to new plans and budgets, but have recently changed their minds. Ms. Bauer stated that if there is a lapse, we can move forward with only exempt projects, not with new federally funded projects or nonfederally funded projects. She indicated that, to avoid this situation, additional emission reduction conformity tests were done on the current TIP and Long Range Transportation Plan. Ms. Bauer stated that the additional conformity tests will go through the public process. A letter reaffirming the approval of the 1998 conformity finding for the current regional transportation program has not yet been received. Ms. Bauer commented that the federal agencies have not decided exactly what needs to be done yet. Ms. Bauer noted that the packet of information at each place contains information on projects at risk.

Dick Bowers asked if the FTA had given a reason for not being able to write the letter. Ms. Bauer replied that the federal agencies are concerned about the court ruling.

Dennis Smith stated that the projects at risk list refers to the new TIP and the lapse refers to the present TIP. Potentially, this ruling could be damaging to our program. Mr. Smith mentioned that other metro areas have been placed in a lapse: South Coast (Los Angeles area), San Joaquin, Las Vegas, Philadelphia, and Atlanta.

Chairman Fairbanks asked if projects under construction could be halted if conformity lapses. Ms. Bauer stated that it had been rumored that if projects were out to bid or construction, and money had been committed, the project could proceed. She indicated that construction projects in Atlanta were halted because they proceeded with grandfathered projects. Chairman Fairbanks asked if new federally funded and nonfederally funded projects could be stopped. Ms. Bauer replied they could be stopped

if they are in the TIP. Chairman Fairbanks asked if there is a mechanism to stop this. Ms. Bauer replied that the FHWA and FTA are working on that mechanism. She gave a summary of EPA review and approvals of the air quality plans.

Gary Brown asked if transit projects would proceed. Terry Johnson replied that fixed guideway systems could not proceed, but that minor bus projects could. Mr. Brown asked the level of media knowledge. He commented that the voters would not want to vote for a transit tax if the improvements can't be made.

Mr. Smith stated that he spoke to Mary Peters about her discussion with AASHTO regarding whether the FTA or the FHWA will make the decision. He indicated that it appears the FHWA could decide.

Ms. Bauer stated that last month, the Regional Council delayed action on the TIP and LRTP. She summarized the timeline of plan submissions and public review. Ms. Bauer commented that in-house modeling has been done to be prepared. She stated that if the Regional Council does not approve or changes the plan, modeling would have to be redone. Ms. Bauer stated that submission of the air quality plans by July 1, 1999 is very important. The PM-10 Plan is late due to the need for an extension request and it cannot be delayed further. She stated there would be sanctions after August 6, 1999. Chairman Fairbanks commented that if there were any changes to the TIP at the Regional Council meeting that could place conformity at risk. Ms. Bauer replied that it could, since remodeling would be necessary. Kent Cooper asked if the controversy in approving the TIP relates to the US 60 HOV lanes. Mr. Bourey replied that is correct.

Mr. Bourey stated that he spoke to the regional FTA representative regarding where we are in the process of the current conformity and the lapse. Mr. Bourey indicated that we need to talk to our contact in Washington, DC, Scott Biehl. The FTA representative stated that the situation is out of their hands. Mr. Brown asked how do we get out of the lapse? Mr. Bourey replied that the plan needs to go through the public process for comment and review and to FHWA and EPA for approval. Chairman Fairbanks asked if approval of the TIP is the most important step? Ms. Bauer replied that it is important to move ahead.

Ms. Bauer stated that the Legislature needs to amend HB 2254, to change the Vehicle Emissions Inspection Program from a 3 year sunset to 10 year sunset review. She indicated that we cannot demonstrate conformity without this change.

Chairman Fairbanks requested that a concise update on the conformity situation be faxed to Management Committee members. It could be updated weekly, if necessary. He asked staff to clarify the worst case scenarios. Chairman Fairbanks stated that this will be a high priority nationally.

Mr. Cooper urged members to speak to elected officials to move forward on approval of the TIP. Mr. Cooper expressed sympathy for the residents, but stated that the HOV lanes are needed. He commented that we must look at the situation from a regional perspective.

Chairman Fairbanks stated that this is an important issue to consider. He commented that each city will do what they need to do. He asked if there were further questions or discussion.

There being no further business, the meeting was adjourned at 12:55 p.m.

Chairman

Secretary